IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 30092 of 2006(G)

PETITIONER:

MOLLYKUTTY FRANCIS,
ILLICHIRAYIL HOUSE, CHENGALAM VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:

---

1. THE KERALA FINANCIAL CORPORATION,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR.

2. CHIEF MANAGER,
KERALA FINANCIAL CORPORATION, BRANCH OFFICE,
M.C. ROAD, KOTTAYAM.

ADDL. RESPONDENT:

3. V.M.MATHEW, AGED 43,
S/O.MATHEW, PARAMPUZHA P.O.,
THIRUVANCHOOR.

(ADDL. RESPONDENT NO.3 IS IMPLEADED AS PER ORDER
DT.11.12.2006 IN I.A. 17062/2006.)

R1&2 BY ADV. SRI.JAMES KURIAN, SC, KFC
R3 BY ADV. SRI.RAJEEV V.KURUP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.30092 of 2006

.....

Dated this the 5th day of January, 2007.

JUDGMENT

The petitioner's property was sold in auction by KFC to additional 3rd respondent. However, before confirmation of sale and before the third respondent deposited one third, petitioner has remitted full amount at which sale was made to third respondent and along with it, another Rs.10,000/- to KFC. Counsel for the additional respondent submitted that he has suffered loss by arranging funds which was not received by KFC only because of the two cases filed by the petitioner, one of which is the present one. In the circumstances, W.P. is disposed of directing the KFC to appropriate Rs.16.1 lakhs towards sale consideration and refund Rs.10,000/- to additional respondent being the EMD collected from him. The petitioner will pay cost of rupees five thousand to additional respondent through Demand Draft within three weeks from today. KFC will release title deeds after complying with formalities and on production of receipt of cost as above.

C.N.RAMACHANDRAN NAIR
Judge

pms